

1 Honorable Barbara J. Rothstein
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 DISH NETWORK L.L.C.,

10 Plaintiff(s),

11 v.

12 VIRTUAL SYSTEMS, LLC and
13 VYACHESLAV SMYRNOV,

14 Defendant(s).

15 NO. 2:24-cv-01683-BJR

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17 DECLARATION OF TIMOTHY FRANK
18 IN SUPPORT OF PLAINTIFF'S MOTION
19 FOR ENTRY OF DEFAULT

20 I, Timothy Frank, declare as follow:

21 1. I am a partner at the law firm Hagan Noll & Boyle LLC, counsel for Plaintiff DISH
22 Network L.L.C. ("DISH"). I am admitted *pro hac vice* in this case. I make this declaration based
23 on my personal knowledge and, if called on to testify, would competently testify as stated herein.

24 2. DISH filed a proof of service (Doc. 12) showing Defendant Virtual Systems, LLC
25 ("Virtual Systems") was served in the Commercial Court of Kyiv City, Ukraine on December 17,
2024, pursuant to the Hague Convention, which constitutes proper service under Federal Rule of
Civil Procedure 4(f)(1).

3. DISH filed a proof of service (Doc. 11) showing Defendant Vyacheslav Smyrnov
("Smyrnov") was properly served under Federal Rule of Civil Procedure 4(f)(1) because service

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27 DECLARATION OF TIMOTHY FRANK IN SUPPORT OF
28 PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT - 1
10541-0024 6097873
29 NO. 2:24-cv-01683-GJL

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31 **PREG O'DONNELL & GILLETT PLLC**
32 401 UNION STREET, SUITE 1900
33 SEATTLE, WASHINGTON 98101-2668
34 TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

1 was effected on him in the Solomyaskyi District Court of Kyiv City, Ukraine on February 6, 2025,
2 in accordance with the Hague Convention.

3 4. Defendants have neither appeared in this case nor filed an answer or other response
4 to DISH’s complaint. Ukraine’s Hague Convention Central Authority provided DISH a document
5 that purports to be Defendants’ response to DISH’s complaint, which DISH filed with this Court
6 as an exhibit to its May 13, 2025 status report (Doc. 13). Defendants did not serve this document
7 on DISH and Defendants did not otherwise communicate to DISH any intent to participate in this
8 case. The document itself is unsigned and does not identify licensed counsel for Virtual Systems.
9 Therefore, DISH advised in its status report that it intended to move for default against Defendants
10 because the document is not a proper response to DISH’s complaint. Defendants, despite being
11 served several months ago, have not contacted DISH concerning this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2025.

s/ Timothy M. Frank
Timothy M. Frank

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2025, I caused copies of this document to be served via CM/ECF to the counsel of record.

/s/ Gregory S. Latendresse

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